

ORDINANCE NO. 15- 108

**AN ORDINANCE AMENDING SECTION 2-57 OF THE ROGERS CITY CODE,
CONCERNING THE SCOPE OF ORDINANCES AND PROCEDURES RELATING TO
PASSAGE; PROVIDING FOR THE EMERGENCY CLAUSE AND FOR OTHER
PURPOSES.**

WHEREAS, the Rogers City Code requires updates in order to ensure accuracy and consistency with recent legislative changes.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:

Section 1: That Section 2-57 of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended and shall read as shown in Exhibit "A", attached hereto and incorporated by reference as if set out word for word herein.

Section 2: That the need to amend said City Code section is immediate and in order to protect the public peace, health, safety and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

Section 3: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 4: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED this 28th day of July, 2015.

APPROVED:

C. Greg Hines
C, GREG HINES,
Mayor

Attest:

Peggy David
PEGGY DAVID, City Clerk



Prepared by: Chris Griffin, Senior Staff Attorney

EXHIBIT "A"

Sec. 2-57. - Scope of ordinances and procedures relating to passage.

(a)

Ordinances are required to exercise the police powers and certain other general powers and specific powers and enumerated in A.C.A. tit. 14, ch. 55, or where permitted or required specifically by statutes granting special powers to cities.

(b)

Ordinances primarily deal with subjects of a general or permanent nature and impose penalties for their violation.

State Law reference— Ordinances, A.C.A. § 14-55-101 et seq.

(c)

Ordinances shall be limited to a single subject and shall bear a title which succinctly and clearly summarizes its subject.

State Law reference— Similar provisions, A.C.A. § 14-55-201.

(d)

Ordinances shall be introduced but do not require a second for their introduction. They shall be read three times, once each on separate days, unless such rule shall be suspended by a two-thirds vote of the entire council. They shall receive a majority vote of the whole council to be enacted.

State Law reference— Similar provisions, A.C.A. § 14-55-202; voting required, A.C.A. § 14-55-203.

(e)

After passage, an ordinance shall be authenticated by the signature of the presiding officer and that of the clerk and enrolled in the ordinance book.

State Law reference— Similar provisions, A.C.A. § 14-55-205.

(f)

Ordinances and other local measures of a general and permanent nature shall be effective upon publication or posting but not before 61 days from and after the date of their passage and publication, or posting, unless an emergency clause is attached. An Ordinance containing an emergency clause shall go into effect immediately upon passage or at the time specified by the emergency clause, regardless of publication or posting, but an emergency clause shall not be effective to impose any fine, penalty, forfeiture, or other deprivation of liberty or property until after the ordinance has been published, or posted, as is otherwise required by law. The effective date of an ordinance or measure that is not of a general or permanent nature shall be the date of passage of the ordinance or measure unless a later effective date is provided in the ordinance or measure.

State Law reference— Effective date of ordinances, A.C.A. § 14-55-203. Eureka Springs v. Brightman, 243 Ark. 836

(Code 1982, §§ 2-69—2-73; Code 1997, § 2-60)

- (g) (1) Referendum Petitions: All referendum petitions under Amendment No. 7 to the Constitution of the State of Arkansas, found in Article 5 Section 1 of the Constitution of the State of Arkansas, other than those referendum petitions on ordinances or measures concerning municipal bonds, must be filed with the City Clerk within sixty (60) days after the passage and publication, or posting, of any ordinance or measure. Those referendum petitions on ordinances or measures concerning municipal bonds must be filed with the City Clerk within thirty (30) days after the passage and publication, or posting, of any ordinance or measure.

State law reference – A.C.A. 14-55-203, 14-55-302, 14-55-303. Eureka Springs v. Brightman, 243 Ark. 836

(2) That upon the filing of said referendum petition, the Mayor is hereby directed to give notice by publication for one insertion in a newspaper having a general circulation in the City of Rogers, Arkansas (the "City"), and by posting in five public places in the City of a time not less than five days after the publication of such notice at which the Council will hear all persons who wish to be heard on the question of whether such petition is signed by the requisite number of petitioners. At the time named, the Council shall meet and hear all who wish to be heard on the question, and its decision shall be final unless suit is brought in the Circuit Court of Benton County, Arkansas within thirty (30) days to review its action.

(3) That if the Council finds that such petition is signed by the requisite number of qualified petitioners, it shall order a special election to determine by a vote of the qualified electors whether the ordinance or measure shall stand or be revoked, and fix a date which shall be not less than ten (10) days after the date of the action of the Council calling the election. The Mayor shall give notice of the call of such election by publication in not less than one issue of a newspaper having a general circulation in the City and by posting in five public places in the City not less than five (5) days prior to the date of the election. Such notice shall designate by its number, caption and date of passage, the ordinance which has been referred to the people for approval or rejection by their vote at such election. Otherwise, subject to the provisions of Amendment No. 7 to the Constitution of Arkansas, and other applicable laws, said election shall be conducted in the manner provided by law for the conduct of a regular municipal election.

(4) That if any ordinance or measure referred to the people is defeated at the polls, the Council shall make note of such fact and shall expunge the ordinance or measure from its records and files.

- (h) Initiative Petitions: All initiative petitions under Amendment No. 7 to the Constitution of the State of Arkansas, found in Article 5 Section 1 of the Constitution of the State of Arkansas shall be filed in the following manner:
- (1) The deadline for filing an initiative petition shall be eighty five (85) days prior to the election at which it is to be voted upon.
 - (2) In compliance with all other state laws and Arkansas Constitutional requirements.

State law reference – Arkansas Constitution Article 5 Section 1.